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10/517,921	12/14/2004	Johannes Hubertus Antonius Brekelmans	NL02 0503 US	8884

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EXAMINER	
CHEN, JUNPENG	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
11/27/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/517,921	BREKELMANS, JOHANNES HUBERTUS ANTONIUS	
	Examiner	Art Unit	
	JUNPENG CHEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in responsive to the Appeal Brief filed on 08/10/2009. Upon considering the arguments made by Applicant in the Appeal Brief, the Examiner found the argument to be partially persuasive and therefore, the finality of the previous Office Action is hereby withdrawn and the prosecution of the present applicant is re-opened.

Response to Arguments

2. Applicant's arguments, see Appeal Brief, filed on 08/10/2009, with respect to the rejection(s) of claim(s) 14 and 23-26 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made on claims 14 and 23-26.

3. Applicant's arguments filed on 08/10/2009, pages 6-9, regarding claims 12, 17, 21 and 22 have been fully considered but they are not persuasive.

Applicant argues that the combination of Badger in view of Alpaiwalia does not teach "a database outside said receiver". The Examiner respectfully disagrees. According to Alpaiwalia, par [0021]-[0022], the memory 202 is programmed with the correct tuner control information (calibration/tuner parameters) prior to installation in the chassis 200 (i.e. a receiver as shown in figure 2), which the tuner parameters in the memory 202 is *MATCHED* to a specific tuner module 104. Specifically, the inherently existing database comprising the calibration/tuner parameters to be programmed into the memory 202 is *OUTSIDE* of the chassis 200 (i.e. a receiver) because the memory 202 is programmed before being installed into the chassis 200 (i.e. a receiver as shown

in figure 2). Therefore, Alpaiwalia discloses limitation in question; consequently, the rejection on claims 12, 17, 21 and 22 based on Badger in view of Alpaiwalia is maintained.

Response to Amendments
Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12, 13 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger** (U.S. Patent No. 5,678,211) in view of **Alpaiwalia** et al. (U.S. PGPub 2004/0051815 A1).

Consider **claim 12**, Badger shows and discloses a receiver comprising a pre-calibrated tuner arranged therein, said tuner being pre-calibrated prior to arrangement in said receiver (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) having at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1), wherein said receiver includes means for calibrating said electronically tuned filter by retrieving a calibration signal generated by the pre-calibration of said tuner (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses the tuner being *individually* pre-calibrated prior arrangement and retrieving an *individualized* calibration signal generated by the pre-calibration of said tuner prior to arrangement in said receiver and *specifically* identified by at least one identifier associated with at least one database filed in a database outside said receiver storing at least said individualized calibration signal for calibrating said electronically tuned filter with said receiver.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200, Figure 2), wherein said receiver includes means (read as Microprocessor 108) for calibrating said electronically tuned filter by retrieving an individualized calibration signal generated by

the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver (read as in par [0021]-[0022], the memory 202 is programmed with the correct tuner control information (calibration/tuner parameters) prior to installation in the chassis 200 (i.e. a receiver as shown in figure 2), which the tuner parameters in the memory 202 is *MATCHED* to a specific tuner module 104. Specifically, the inherently existing database comprising the calibration/tuner parameters to be programmed into the memory 202 is *OUTSIDE* of the chassis 200 (i.e. a receiver) because the memory 202 is programmed before being installed into the chassis 200 (i.e. a receiver as shown in figure 2)).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter when needed.

Consider **claim 13, as applied to claim 12 above**, Badger, as modified by Alpaiwalia, furthers discloses a receiver memory located outside the tuner for storing said at least one database field having said individualized calibration signal (read as the updatable memory 202), said tuner comprising a tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to the rewritable memory 202, Fig. 1) coupled to the receiver memory for receiving the individualized calibration signal.

Consider **claim 15, as applied to claim 13 above**, Badger, as modified by Alpaiwalia, further discloses wherein said individualized calibration signal stored in the database and/or in the receiver memory (read as the rewritable memory 202) comprises a digital calibration signal (read as digital trimming control signal, lines 47-53 of column 2), with the receiver comprising a digital-to-analog converter (read as DAC 32, Fig. 1) for converting the digital calibration signal into an analog calibration signal (read as DAC 32 uses digital trimming signal to determine VC14, lines 22-37 of column 2, Fig. 1).

Consider **claim 16, as applied to claim 15 above**, Badger, as modified by Alpaiwalia, furthers shows and discloses a receiver, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to the rewritable memory 202, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 17**, Badger discloses a tuner (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) comprising at least one pre-calibrated electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1) for use in a receiver comprising the tuner (read as the tuning section 10, Figure 1), wherein said receiver comprises calibration means for retrieving a individualized calibration signal generated by during the pre-calibration of said electronically tuned filter (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses the individualized pre-calibration of said electronically tuned filter directly after manufacture of said tuner by at least one identifier for specifically identifying at least one database filed in a database situated outside said receiver for storing at least one individualized calibration signal for calibrating said electronically tuned filter upon arrangement in said receiver.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200), Figure 2), wherein said receiver includes means (read as Microprocessor 108) for calibrating said electronically tuned filter by retrieving an individualized calibration signal generated by the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver (read as in par [0021]-[0022], the memory 202 is programmed with the correct tuner control information (calibration/tuner parameters) prior to installation in the chassis 200 (i.e. a receiver as shown in figure 2), which the tuner parameters in the memory 202 is *MATCHED* to a specific tuner module 104. Specifically, the inherently existing database comprising the calibration/tuner parameters to be programmed into the memory 202 is *OUTSIDE* of the chassis 200 (i.e. a receiver) because the memory 202

is programmed before being installed into the chassis 200 (i.e. a receiver as shown in figure 2)).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter when needed.

Consider **claim 18, as applied to claim 17 above**, Badger, as modified by Alpaiwalia, furthers discloses a tuner bus for coupling to a receiver memory for receiving said individualized calibration signal stored in said receiver memory (read as the rewritable memory 202).

Consider **claim 19, as applied to claim 18 above**, Badger, as modified by Alpaiwalia, furthers discloses wherein said individualized calibration signal stored in the database and/or in the receiver memory (read as the rewritable memory 202) comprises a digital calibration signal (read as digital trimming signal, lines 22-53, column 2), and wherein the receiver further comprises a digital-to-analog converter for converting the digital calibration signal into an analog calibration signal (read as DAC 32 converts digital trimming signal into VC14, lines 17-53, column 2, Fig. 1).

Consider **claim 20, as applied to claim 19 above**, Badger, as modified by Alpaiwalia, furthers shows and discloses a tuner, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that

connects to the rewritable memory 202) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 21**, Badger a method for electronically tuning at least one pre-calibrated electronically tuned filter (read as filter 14 is being tuned by VC14 from DAC 32, which uses trimming signal from PROM 42) in a tuner (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) in a receiver, wherein said method comprises the steps of generating a calibration signal by pre-calibrating said electronically tuned filter prior to arrangement in said receiver (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses the individually pre-calibrated electronically tuned filter and associating said individualized calibration signal with a specific identifier of at least one database filed in a database situated outside said receiver, and downloading the individually calibration signal from said database for calibrating said electronically tuned filter within said receiver according to the individualized pre-calibration.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200), Figure 2), wherein said receiver includes means (read as Microprocessor 108) for calibrating said

electronically tuned filter by retrieving an individualized calibration signal generated by the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver (read as in par [0021]-[0022], the memory 202 is programmed with the correct tuner control information (calibration/tuner parameters) prior to installation in the chassis 200 (i.e. a receiver as shown in figure 2), which the tuner parameters in the memory 202 is *MATCHED* to a specific tuner module 104. Specifically, the inherently existing database comprising the calibration/tuner parameters to be programmed into the memory 202 is *OUTSIDE* of the chassis 200 (i.e. a receiver) because the memory 202 is programmed before being installed into the chassis 200 (i.e. a receiver as shown in figure 2)).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter when needed.

Consider **claim 22**, Badger discloses a method comprising:

providing tuners that comprise at least one pre-calibrated electronically tunable filter (read as tuner section 10/filter 14 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined and stored in PROM 42, lines 3-54 of column 2, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically discloses at least one identifier for retrieving an individualized calibration signal generated during the individualized pre calibration of said electronically tunable filter from at least one database field in a database situated outside said tuner; and operating the database that comprises the database fields for storing said individualized calibration signal for calibrating the electronically tunable filter upon arranging the electronically tunable filter within a receiver according to the individualized pre-calibration.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200), Figure 2), wherein said receiver includes means (read as Microprocessor 108) for calibrating said electronically tuned filter by retrieving an individualized calibration signal generated by the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver (read as in par [0021]-[0022], the memory 202 is programmed with the correct tuner control information (calibration/tuner parameters) prior to installation in the chassis 200 (i.e. a receiver as shown in figure 2), which the tuner parameters in the memory 202 is *MATCHED* to a specific tuner module 104. Specifically, the inherently existing

database comprising the calibration/tuner parameters to be programmed into the memory 202 is *OUTSIDE* of the chassis 200 (i.e. a receiver) because the memory 202 is programmed before being installed into the chassis 200 (i.e. a receiver as shown in figure 2)).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter when needed.

Badger, as modified by Alpaiwalia, discloses the method above but fails to mention a method of "selling". However, it is examiner's contention that since the limitations are taught by Badger, the "selling" method in the preamble is taught as well.

Claims 14 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger** (U.S. Patent No. 5,678,211) in view of **Alpaiwalia** et al. (U.S. PGPub 2004/0051815 A1), and in further view of **Potrebic** et a. (U.S. Patent 6804824), and in further view of **MacLean** et a. (U.S. Patent 7,088,388).

Consider **claims 14 and 23-26, as applied to claims 12, 13, 17, 21 and 22 respectively abov**e, Badger, as modified by Alpaiwalia, discloses the claimed invention above but does not specifically discloses wherein said database is coupled to a network, with said receiver being coupled to said network as in claim 14, wherein said tuner includes a memory to store the at least one identifier, the at least one identifier comprising a Uniform Resource Locator (URL) that identifies a location of the individualized calibration signal via an input/output of the receiver as in claims 23, 25

and 26, and wherein said tuner includes a memory to store the at least one identifier, the at least one identifier comprising an Internet Protocol Address that identifies a location of the individualized calibration signal for retrieval via an input/output of the receiver as in claim 24.

Nonetheless, in related art, Potrebic discloses that tuner may be used to retrieve the updateable data from the Internet (i.e. IP address and URL as common identifier for Internet network as well-known in the art), col. 3 with lines 1-9, col. 9 with line 49 to col. 10 with line 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Potrebic into the teachings of Badger, which modified by Alpaiwalia, as it is just a matter of design choice to update data from the Internet.

Badger, as modified by Alpaiwalia and Potrebic, discloses the update of calibration parameters and downloading of updatable date from the Internet but does not disclose downloading the updatable data as tuner calibration parameters.

However, MacLean discloses an automatic calibrating method which the calibrating data is downloaded from the Internet into an electronic system for appropriate calibration, col. 31 with lines 51-56.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of MacLean into the teachings of Badger, which modified by Alpaiwalia and Potrebic, for the purpose of calibrating the tuner appropriately.

Claims 14 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger** (U.S. Patent No. 5,678,211) in view of **Alpaiwalia** et al. (U.S. PGPub 2004/0051815 A1), and in further view of **Englmeier** et a. (U.S. Patent 7119834 B2).

Consider **claims 14 and 27-30, as applied to claims 12, 13, 17, 21 and 22 respectively abov**e, Badger, as modified by Alpaiwalia, discloses the claimed invention and the tuner comprises more than one electronically tuned filter (read as filters 14, 20 and 22,) above but does not specifically discloses wherein said database is coupled to a network, with said receiver being coupled to said network as in claim 14, wherein said more than one electronically tuned filter shares an the at least one identifier, which the individualized calibration signal comprising a number of parts which indications regarding which parts are specifically associated with individual electronically tuned filters as in claims 27 and 28, and wherein the individualized calibration signal comprises a number of parts with indications regarding which parts are specifically associated with respective individual electronically tuned filter, and wherein a the at least one identifier is shared by more than one of the individual electronically tuned filters as in claims 29 and 30.

Nonetheless, in related art, Englmeier discloses a receiver and calibration system and method, comprising tracking filters operate to provide calibration in responsive to a calibration signal identified by an already established path from a centralized system, the receiver uses the downloaded calibration signal to generates tracking control 1 and tracking control 2 to controls the two different filters in filter network 310, Figure 3, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger, which modified by Alpaiwalia, to design the receiver to obtain tuner calibration parameter from a single source to avoid the receiver has to download the data from multiple sources.

Conclusion

7. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Junpeng Chen
J.C./jc

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618